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## MEMORANDUM ENDORSED

January 18, 2024

Hon. Gregory H. Woods  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

### United States v. Amit Bhardwaj, 22 Cr. 398 (GHW)

Dear Judge Woods:

We respectfully write on behalf of defendant Amit Bhardwaj to request an extension of time, pursuant to a proposed payment schedule set out below, to pay the full amount of the monetary fine that the Court imposed as part of Mr. Bhardwaj's sentence in the above-captioned case. We have discussed the proposed payment plan and underlying reasons below with the Government, and the Government consents to this request.

On December 8, 2023, the Court imposed sentence on Mr. Bhardwaj following his conviction for 13 counts of securities fraud. As relevant here, the Court imposed a fine of \$975,000 on Mr. Bhardwaj, to be paid by June 1, 2024. Mr. Bhardwaj is scheduled to surrender to the Bureau of Prisons to begin serving a 24-month term of imprisonment on January 31, 2024.

Mr. Bhardwaj has paid \$250,000 of the fine already, and is able to pay an additional \$50,000 before January 31, 2024 from liquid assets in his possession or control, bringing the total paid amount to \$300,000 prior to his scheduled surrender. As discussed in detail with the Government, Mr. Bhardwaj's remaining assets are primarily comprised of illiquid property holdings and retirement accounts. Mr. Bhardwaj plans to satisfy the remainder of the fine – the balance of \$675,000 that will be outstanding after January 31 – by selling the residential property in which he and his family currently live, which is worth in excess of that outstanding balance. However, he does not anticipate that it will be possible to execute the sale prior to his surrender to the Bureau of Prisons, or practically speaking while he is incarcerated. In addition, he is anxious to ensure that his immediate family is able to continue living in their residence while he is incarcerated.

Mr. Bhardwaj respectfully requests that the Court reset the deadlines for the payment of his fine to require total payment of \$300,000 by no later than January 30,

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2024, and total payment of the remaining \$675,000 by no later than nine months after the date of his release from prison. This proposed schedule would ensure that the Government obtains \$300,000 in penalties almost immediately following the sentencing (and well in advance of the current June 1, 2024 deadline); that a Court Order exists requiring payment of the remainder of the fine by a date-certain tied to his release from prison; and that Mr. Bhardwaj has the opportunity to conduct an orderly sale of his residential property after he is released from prison.

Mr. Bhardwaj also acknowledges that the Court ruled that interest on the payment of the fine would not be waived in this case. In the event that the Court agrees to adjust the fine schedule consistent with the proposal discussed above, Mr. Bhardwaj respectfully requests that the Court defer the start date of the accrual of interest on the unpaid balance of the fine to a date one month after he is released from custody, such that interest would accrue shortly after his release from custody until the entire fine is paid. This would ensure that interest is not accruing during a period of time when he is incarcerated.

We thank the Court for considering these requests.

Respectfully submitted,

*/s/ Max Nicholas*


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Application denied. The requested modification of the payment terms of the judgment are not clerical in nature. See Fed. R. Crim. P. 36. The defendant has not identified any other authority that would permit the Court to modify the payment obligations established in the judgment. Therefore, the application is denied.

The Clerk of Court is directed to terminate the motions pending at Dkt. Nos. 131, 132 and 136.

SO ORDERED.  
New York, New York  
April 17, 2024

  
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GREGORY H. WOODS  
United States District Judge